

**BY-LAWS OF THE COUNCIL
OF THE BOROUGH OF MERCHANTVILLE**

ARTICLE I – RULES OF ORDER:

The deliberations of Council shall be governed by “Robert’s Rules of Order”, except when the same are in conflict with the laws of the State of New Jersey or these By-Laws, in which event said “Robert’s Rules of Order shall be inapplicable.

ARTICLE II – MAYOR:

SECTION 1. The Mayor shall preside over the deliberations of the Council and shall conduct the meetings thereof. The Mayor shall also participate in the determination of Borough affairs to the extent permitted by statute.

SECTION 2. The Mayor shall on all occasions preserve order and decorum, and shall cause the removal of all persons who interrupt the orderly proceedings of Council.

SECTION 3. When two or more Councilors shall request recognition at the same time, the Mayor shall name the one entitled to the floor.

SECTION 4. The Mayor shall decide all questions of order without debate subject to an appeal to the Council, and may call upon the Council for the opinion of the Council upon any questions of order.

SECTION 5. The Mayor shall be an ex-officio member of all committees, both standing and special, and shall be informed in advance of all meetings of such committees.

SECTION 6. In the absence of the Mayor, or if the Mayor is unable to perform his/her duties, the Council President (or in his/her inability to act, the Councilor having the longest term of service) shall act as Mayor, as provided by Statute.

ARTICLE III – BOROUGH CLERK:

SECTION 1. The Clerk shall perform the duties enjoined upon that office by the Revised Statutes of New Jersey and these By-Laws.

SECTION 2. The Clerk shall keep the minutes and ordinance books properly and fully indexed and shall perform all the duties usually devolving upon such officer; and in addition, such other duties or services as Council may require or direct.

SECTION 3. Upon the introduction of an ordinance, the same shall be properly numbered and recorded at length by the Borough Clerk in the Ordinance Book. The assigned number shall appear in the advertisement of such ordinance.

ARTICLE IV – MEETINGS:

SECTION 1. The Council shall hold an annual meeting during the first seven (7) days of January of any year, which meeting will be held within the Borough and at such time and place as Council may by resolution direct.

SECTION 2. The regular meetings of Borough Council shall be held each Monday during each month at 7:30 PM except, during the months of June, July and August, regular meetings shall be held on the second Monday of each such month only. Working meetings may also be held on any Monday except the second and fourth Monday's of any month. If any regular or working meeting happens to fall upon a legal holiday or on a day generally celebrated as a legal holiday, then in such case the meeting shall be held as advertised.

SECTION 3. At the annual meeting, the Council will elect one of its members as Council President to serve for one year and until the next annual meeting.

SECTION 4. The Mayor shall, when necessary, call special meetings of the Council. In case of the Mayor's neglect or refusal, any four members of the Council may call such meeting at such time and place in the Borough as they may designate. In all cases of special meetings, reasonable advance notice (considered to be forty-eight [48] hours except in case of emergency) shall be given in person to all members of the Council, or left at their place of residence and notice given as may be required by the "Open Public Meetings Act".

SECTION 5. Three Councilors and the Mayor, and in the absence of the Mayor, four Councilors shall constitute a quorum.

SECTION 6. If no quorum be present one-half hour after the time fixed for any meeting, those assembled shall have power and are hereby authorized to set a new date, and then adjourn.

SECTION 7. The following order of business shall be observed:

- (1) Call to Order and announcement required pursuant to Open Public Meetings Act
- (2) Silent Prayer and Pledge of Allegiance to the Flag
- (3) Roll Call
- (4) Bid Opening

- (5) Public Hearing
- (6) Invitation for discussion by public
- (7) Approval of Minutes
- (8) Correspondence
- (9) Council Reports
- (10) Unfinished Business
- (11) New Business
- (12) Approval of Bills
- (13) Announcements
- (14) Private Session
- (15) Adjournment

SECTION 8. The aforesaid order of business at any meeting may be changed by a majority vote of the members of the Council present at such meeting or by the Mayor with consent of Council.

SECTION 9. Except as otherwise required by the Statutes, or specifically provided in these By-Laws, all action of the Council shall be by a majority vote of those present.

SECTION 10. Upon demand of one member of Council or when ordered by the Mayor, or when directed by Statute, a roll call vote shall be taken and the yeas and nays entered in the Minutes of the meeting.

ARTICLE V – STANDING COMMITTEES AND DEPARTMENTS:

SECTION 1. The Mayor shall appoint three standing committees and shall designate the department chairpersons comprising these committees. The standing committees created hereunder are: Committee for Public Works and Service; Committee for Public Safety; and Committee for Ways and Means.

SECTION 2. The Committee for Public Works and Service shall consist of three or more members, one of whom shall be designated as Chairperson and the duties of this Committee shall pertain to the work of the following departments: Property, Sewers, Highways, Water, Lighting and Parks and Recreation. Each member of this Committee shall be assigned one or more of the foregoing departments and shall be known as the Director thereof, for the purpose of carrying out any directions of the Borough Council relating thereto,

and of attending to the necessary details attached to the department to which that member is assigned.

SECTION 3(a). The Committee for Public Safety shall consist of three or members, one of whom shall be designated as Chairman and the duties of this Committee shall pertain to the work of the following departments: Police, Fire, Emergency Medical Squad, Health and Building Inspection. Each member of this Committee shall be assigned to one or more of the foregoing departments and that member shall be known as Director thereof, for the purpose of carrying out any directions of the Borough Council relating thereto, and of attending to the necessary details attached to the department to which he/she is assigned.

(b). The Chairperson of the Committee for Public Safety or the Director of the Department of Police shall, in addition to other duties upon request of the Mayor, cooperate with the Mayor in the enforcement of the State Laws and Borough Ordinances.

SECTION 4. The Committee for Ways in Means shall consist of two or more members, one of whom shall be designated as Chairperson, and the duties of this Committee shall pertain to the work of following departments: Finance, Accounts and Auditing and Records and Licensing. Each member of this Committee shall be assigned to one or more of the foregoing departments and shall be known as the Director thereof, for the purpose of carrying out any directions of the Borough Council relating thereto, and of attending to the necessary details attached to the department to which he/she is assigned.

SECTION 5(a). It shall be the duty of each Chairperson of a Committee to have general supervision over all the departments of that Committee and to call the members together whenever the Chairperson deems it necessary or upon request of any member of said Committee.

(b). In case of neglect on the part of any Director to properly attend to the duties pertaining to his/her department or in case the Director is absent from the Borough, it shall be the duty of the Chairperson to assign the temporary supervision of such department to some other member of the Committee until the matter can be brought before Council in regular meeting.

SECTION 6. The Standing Committees are appointed to expedite and facilitate the work of the Council, but only within statutory limits as the entire Council is held responsible for any or all of its acts performed within the scope of authority.

(a). A Standing Committee shall:

1. Meet when requested by the chairperson, or a majority of the Committee, and all members thereof shall participate actively in the Committee deliberations, performance of duties and the formulation of its recommendation to Council.

2. Plan, study, direct, make commitments within budgetary limitations and carry on the routine activities for which it has primary responsibility.

3. Perform such acts as may be assigned to it by Council.

4. Report and make recommendations to the Council regarding its responsibilities and activities.

(b). Except as provided above, a Standing Committee shall not:

1. Exceed its budgetary appropriations.

2. Make promises or commitments to anyone which directly, or by inference, bind the Council.

3. Act in such a manner or make decisions, which set a precedent, or violate established Council policy.

SECTION 7. Special Committees may be appointed by the Council for purposes other than those included in the duties of the Standing Committees.

ARTICLE VI – SEAL:

SECTION 1. The seal of the Borough shall be as hereinafter impressed.

SECTION 2. The seal shall be in the custody of the Clerk and shall be impressed on all appropriate documents or papers.

ARTICLE VII – AMENDMENTS:

SECTION 1(a). The Mayor, or any member of the Council, may propose amendments to these By-Laws, at any regular meeting or adjourned regular meeting.

(b). The Mayor will then appoint a Special Committee of three members of the Council to consider the proposed amendments, and in addition may submit other suggested changes.

SECTION 2. Such Special Committee shall present its recommendations at a regular meeting or adjourned regular meeting of the Council within thirty (30) days of appointment of the Committee by the Mayor.

SECTION 3. These By-Laws shall be altered or amended only by majority vote of the entire Council, on a roll-call taken at two successive regular meetings of the Council.

ARTICLE VIII – ADOPTION AND TERM:

SECTION 1. The By-Laws shall be adopted by resolution of the Council concurred in by a majority of the Council.

SECTION 2. The By-Laws shall become effective until the Council or a succeeding Council shall amend, supplement or otherwise modify same.

ARTICLE IX – ORDINANCES AND NOTICES:

SECTION 1. A copy of every ordinance intended to be presented to Council at its next regular meeting shall be made available to all the members of Council and the Mayor at least forty-eight (48) hours prior to the date and time of said meeting.

SECTION 2. Any notice required by law or by these By-Laws may be waived by unanimous consent of the entire Borough Council and Mayor.

ARTICLE X – PURCHASES FOR DEPARTMENT HEADS:

SECTION 1. The Department Directors may issue requisitions to the Finance Department, without previous authorization by Council, for labor, materials and supplies to meet current needs for their departments and for which funds are appropriated in the Budget, approve bills for the same, direct the work of their respective departments, recommend improvements or policies considered desirable in connection therewith, provided that bills for such labor shall be presented to Council and paid as otherwise provided.

Amended and adopted 2/26/2001
Patrick J. Brennan, Mayor